



State of Vermont  
Agency of Human Services  
280 State Drive, Center Building  
Waterbury, VT 05671-1000

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# Global Commitment Register

August 4, 2017

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GCR 17-043 through 17-049  
PROPOSED

## **Health Benefits Eligibility and Enrollment Rules Updates**

### **Policy Summary:**

The Agency of Human Services (AHS) has filed proposed rules with the Office of the Secretary of State (SOS) to amend the following rules, referenced as Health Benefits Eligibility and Enrollment (HBEE):

- GCR 17-043: HBEE Part 1 – General Provisions and Definitions
- GCR 17-044: HBEE Part 2 – Eligibility Standards
- GCR 17-045: HBEE Part 3 – Nonfinancial Eligibility Requirements
- GCR 17-046: HBEE Part 4 – Special Rules for Medicaid Coverage of Long-Term Care Services and Supports – Eligibility and Post-Eligibility
- GCR 17-047: HBEE Part 5 – Financial Methodologies
- GCR 17-048: HBEE Part 7 – Eligibility and Enrollment Procedures
- GCR 17-049: HBEE Part 8 – Fair Hearings and Expedited Administrative Appeals

The proposed rules are not in effect, but if adopted following the full rulemaking process, will supersede HBEE that went into effect on January 15, 2017.

HBEE is made up of eight separate rules that provide the eligibility standards for Medicaid, Qualified Health Plans, and other health care programs. Current rulemaking involves the seven rules listed above.

This proposed rulemaking is necessary to align HBEE, Parts 1-5 and 7-8, with federal law and guidance and state law, provide clarification, correct information, improve clarity, and make technical corrections.

Substantive revisions include modification of the eligibility criteria for the Medicaid for Working People with Disabilities (MWPD) program in response to 2015 Acts and Resolves No. 51, Sec. C.9. to the extent permitted by the Centers for Medicare and Medicaid Services (CMS) (HBEE Part 2), modification of the exclusion requirements for special needs trusts in response to changes in trust policy as a result of the 21st Century Cures Act (HBEE Part 5), reorganization of

the special enrollment period rule and addition of pregnancy as a qualifying event pursuant to state law (HBEE Part 7), and expansion of the availability of expedited appeals (HBEE Part 8).

**Effective Date:**

This rule will go into effect after receiving approval from the Legislative Committee on Administrative Rule (LCAR) and upon submitting the adopted rules with the Office of the Secretary of State.

**Authority/Legal Basis:**

Medicaid: C.F.R., Title 42, Chapter IV, Subchapter C, Part 435

Health Benefits Exchange: C.F.R., Title 45, Subtitle A, Subchapter B, Part 155

Adopting and rulemaking: 3 V.S.A. §§ 801(b) (11), 838, 3052, 3053; 33 V.S.A. §§ 105, 1901

**Population Affected:**

Medicaid and Qualified Health Plan applicants and enrollees.

**Fiscal Impact:**

Changes to HBEE Part 2 that enhance income and resource exclusions for Medicaid for Working People with Disabilities (MWPD) eligibility will have an estimated gross annualized budget impact of \$574,000. AHS anticipates no other economic impact to the State in fiscal years 2017-18 as a result of these changes to HBEE.

**Public Comment Period:**

The public comment period on this rule closes on September 12, 2017.

Send comments to: [robin.chapman@vermont.gov](mailto:robin.chapman@vermont.gov)

**Public Hearing Date and Location:**

September 5, 2017 at 2pm

Agency of Human Services  
Waterbury State Office Complex  
Conference Room – Cherry A-209  
280 State Drive  
Waterbury, Vermont 05671

Identification required to enter building.

**Additional Information:**

The [HBEE proposed rule webpage](#) is available here. This website has annotated and non-annotated versions of HBEE Part 1, 2, 3, 4, 5, 7, and 8.

The Office of the Secretary of State references the proposed rules on its website as follows:

- HBEE Part 1 – Number 17P021
- HBEE Part 2 – Number 17P022
- HBEE Part 3 – Number 17P023
- HBEE Part 4 – Number 17P024

- HBEE Part 5 – Number 17P025
- HBEE Part 7 – Number 17P026
- HBEE Part 8 – Number 17P027

The posting can be viewed electronically at: <https://secure.vermont.gov/SOS/rules/>.

To get more information about the rulemaking process, see the website of the Office of the Secretary of State at <https://www.sec.state.vt.us/administrative-rules.aspx>.

The [HBEE adopted rules](#) that are currently in effect are available here.